

# **STATEMENT OF ECONOMIC IMPACT TO SMALL BUSINESSES**

- 1. Name of Board, Committee or Council:** Board of Dentistry
- 2. Rulemaking hearing date:** December 20, 2006
- 3. Types of small businesses that will be directly affected by the proposed rules:**

Amendment to add an additional sentence to 0460-1-.05 (1) (a):

- (a) Dentists who practice as sole proprietors, or as members of a partnership or limited liability company, or as members of a professional corporation; and
- (b) Dental practices which employ dentists; and
- (c) Continuing education course providers; and
- (d) Independently owned pharmacies.

Amendment to 0460-1-.08:

Dentists and dental practices which are organized as professional corporations or as limited liability companies.

Amendment to add a new subparagraph 0460-2-.11 (2) (h):

Dentists who practice in hospital settings and are organized as sole proprietors, or as members of a partnership or limited liability company, or as members of a professional corporation; and

Hospitals who meet the definition of a small business, as described in Executive Order 38.

- 4. Types of small businesses that will bear the cost of the proposed rules:**

Amendment to add an additional sentence to 0460-1-.05 (1) (a):

- (a) Short term  
Independently owned pharmacies.
- (b) Long term

The Board anticipates the proposed rule amendment will reduce, rather than increase, small business expenses for:

- I. Dentists who practice as sole proprietors, or as members of a partnership or limited liability company, or as members of a professional corporation; and
  - II. Dental practices that employ dentists.
- (c) Continuing education course providers will have routine course development and presentations costs but will also have routine revenue coming from course registration fees.

**Amendment to 0460-1-.08:**

**Dentists and dental practices which are organized as professional corporations or as limited liability companies.**

**Amendment to add a new subparagraph 0460-2-.11 (2) (h):**

**The Board anticipates the proposed rule amendment will reduce, rather than increase, small business expenses.**

**5. Types of small businesses that will directly benefit from the proposed rules:**

**Amendment to add an additional sentence to 0460-1-.05 (1) (a):**

**(a) Short term**

**Continuing education course providers whose course registration revenues exceed their course development and presentation expenses.**

**(b) Long term**

- I. Dentists and dental practices who employ dentists will realize the benefits of improved patient care as a result of having obtained knowledge of current prescribing practices, including possible efficiency improvements, reduced insurance costs, a lower probability of licensure or peer review discipline and a reduction in malpractice awards, judgments and settlements; and
- II. Continuing education course providers whose course registration revenues exceed their course development and presentation expenses.

**Amendment to add a new subparagraph 0460-2-.11 (2) (h):**

Dentists who practice in hospital settings and are organized as sole proprietors, or as members of a partnership or limited liability company, or as members of a professional corporation; and

Hospitals who meet the definition of a small business, as described in Executive Order 38.

**6. Description of how small business will be adversely impacted by the proposed rules:**

Amendment to add an additional sentence to 0460-1-.05 (1) (a):

- (a) Continuing education course providers whose course registration revenues are less than their course development and presentation expenses will realize a loss from the course; and
- (b) Independently owned pharmacies may see a reduction in business if fewer prescriptions are filled as a result of improved prescribing practices.

Amendment to 0460-1-.08:

Dentists licensed in other states will no longer be able to participate as shareholders or members of dental professional corporations and limited liability companies in Tennessee. This could possibly result in reduced access to financing, expertise, and manpower.

Amendment to add a new subparagraph 0460-2-.11 (2) (h):

The Board anticipates the proposed rule amendment will favorably, rather than adversely, impact small businesses.

**7. Alternatives to the proposed rule that will accomplish the same objectives but are less burdensome, and why they are not being proposed:**

Amendment to add an additional sentence to 0460-1-.05 (1) (a):

The Board is concerned with Tennessee's history of excessive drug prescribing and drug consumption, and therefore does not believe there are less burdensome alternatives. Continuing education will not guarantee that a licensee learns or retains knowledge but the Board is not aware of any less burdensome alternative that holds similar promise and potential.

Amendment to 0460-1-.08:

There are no alternatives to this proposed rule amendment, less burdensome or otherwise, because the present rule conflicts with the provisions of T.C.A. § 63-5-121.

Amendment to add a new subparagraph 0460-2-.11 (2) (h):

The Board does not believe there are less burdensome alternatives because the intent of the proposed rule amendment is precisely that.

**8. Comparison of the proposed rule with federal or state counterparts:**

Amendment to add an additional sentence to 0460-1-.05 (1) (a):

Federal The Board is not aware of any federal counterparts.

State The proposed rule amendment is similar to various continuing education category requirements for fifteen (15) of the health-related licensing boards, committees, and councils. Also, the Board's current requirement that two (2) hours of its forty (40) hour biennial continuing education requirement pertain to chemical dependency is being amended only by adding the choice of an additional subject.

Amendment to 0460-1-.08:

Federal The Board is not aware of any federal counterparts.

State The other health-related licensing boards that have rules for professional corporations and limited liability companies do not have statutes similar to T.C.A. § 63-5-121, which states it is unlawful for an owner of an active dental practice to be other than a dentist duly licensed to practice in this state.

Amendment to add a new subparagraph 0460-2-.11 (2) (h):

The Board is not aware of any federal or state counterparts.